

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 8, 2020

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I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Pane
Commissioner Anthony Claffey (7:10)
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Hyman Braverman-A
Commissioner Bryan Haggerty-A
Commissioner Thomas Gill-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Chairman Pane: Do we have any changes?

Craig Minor: Possibly, Mr. Chairman. As I think the Commission knows, I got an e-mail from Amy Berube a couple days ago, asking to have her permit renewed, which is part of the process. I discussed it with the Chairman, and he agreed that we can add it to the agenda tonight, and I contacted Ms. Berube about this and asked her if that was too fast, or if it was okay with her, and never got a reply. I don't think she is in the room, James, can you tell me if she is listening.

James Krupinski: I don't have her showing on here.

Craig Minor: Okay, then Mr. Chairman, you can decide whether you want to proceed without her, or if you want to wait until the next meeting.

Chairman Pane: I'll ask the Commissioners, if there is no objection I just as soon put it on the agenda. I believe it is a very positive result that the Planner has been telling me about, that there have been no problems, so we can get this approved and move on and out of the way. Does anyone have any objection to having this put on the agenda?

Commissioners: No

Craig Minor: Then I suggest we add under New Business, Item B, Petition 25-20, Renewal of Special Permit 34-17 at 173 Indian Hill Road. Amy Berube, applicant.

Chairman Pane: Okay, very good. Thank you Craig.

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom "Raise Hand" Function.)

Chairman Pane: If there is anyone in the public who would like to speak, raise your hand, James will get you on.

James Krupienski: You have two individuals, Barbara is on and another individual who does not have a name showing. Nobody has raised their hand yet.

Chairman Pane: Okay, very good. If they do have something, just interrupt me. Thank you.

James Krupienski: Actually one of your panelists who is on tonight has raised their hand. He would like to comment.

Chris DeFrancisco: I just didn't know if it was my turn or not, and I didn't want to get bypassed. I'm on the agenda for later on, but I just wanted to make sure you knew that I was here.

Chairman Pane: Very good, thank you very much for coming in with us. If there is no other public comment, we are going to go to our Zoning Enforcement Officer Report.

V. **ZONING ENFORCEMENT OFFICER REPORT**

Craig Minor: Andrew is texting me on his phone, he is having technical difficulties logging on. James, is he in to the public road?

James Krupienski: Only if his number is 648.

Craig Minor: I think he can hear me, let me see if he texts me. I'm not getting a reply. Mr. Chairman, I suggest that we pass over the ZEO report, and then as he works out his technical problems, then we can go to the report, if that is okay.

Chairman Pane: That's okay.

James Krupienski: So he can hear us Craig?

Craig Minor: I believe so.

James Krupienski: If he wants to give me a call in the office, 665-8550, I'll work him through.

Craig Minor: Okay, I'll text that to him right now. He just texted me, he said his phone is cutting out, and his computer is freezing.

Chairman Pane: No problem, we'll just move that to the next meeting.

VI. REMARKS BY COMMISSIONERS

Commissioner Gill: Just a thought. We were talking about the noise complaint type of thing, and maybe that site, as far as the dogs, might be something that we put on the list of places that might be potential spots where we might have some noise problems.

Chairman Pane: Thank you.

A. TOWN OF NEWINGTON NOISE ORDINANCE

Chairman Pane: I asked Craig to get a report on this, how things are going and whether or not we get a lot of complaints or not, or whether anything is needed. Craig, do you have any information for us?

Craig Minor: I spoke to Chief Clark the other day about this, and what he told me was, well first of all, the Town does not have the machine to check decibel readings. We don't have that capability, but he went on to say that when they do get complaints about noise, he said the vast majority of them are parties, people playing loud music, disturbing the neighbors, that's where he gets most of the complaints. In fact, he was kind of surprised, he did a, he ran a check of his data base as we were talking, and he was a little surprised that he saw that already as of half way through the year, there have been about 140 complaints about noise. As he was looking at them, as we were talking, he said the vast majority were people just complaining that the neighbors were noisy. What he does is, he will send a patrolman out, and the patrolman will ask the offending neighbor just please turn it down, and most of the times the neighbor will do that. On the rare occasion where the neighbor just refuses to be a good neighbor, the police do have the authority to issue a ticket for creating a disturbance. So the Chief feels that he has the control that he needs to deal with any neighbor that is not being a decent neighbor about not being too noisy.

Chairman Pane: That's great to hear. Do any of the Commissioners have any questions for the Town Planner?

Commissioner Sobieski: If I remember correctly, listening to Commissioner Gill say maybe we should maybe put that dog area in the noise complaint, I don't think we have had any issues about dog noise complaints even before the dog day care was approved. I would not want to see, it's only my opinion, but I would not want to see the Commission target any one area. That's all I'm saying.

Chairman Pane: Thank you Commissioner. I was going to bring that up when we talked about Amy's place later, but there have been no complaints over there in the time period that she has been open. I think there was originally, but it was approved, and later on in the meeting you will find a report from Craig that is pretty positive on it. It sounds to me that the Chief has everything under control with this noise ordinance.....

Commissioner Fox: I wish someone would explain to me why we are even discussing the noise ordinance. I don't think it is within our purview at all to worry about complaints on the ordinance. As a matter of fact, I know the Town Council has discussed this within the last year or so, and I would like to see the Town Clerk try to do some research, find that, and let us know what happened.

Chairman Pane: If you don't mind, I'd like to explain, we put it on the agenda because one of the Commissioners asked to put it on the agenda so we could just do a quick review and this gave us the opportunity to have the Town Planner get an update from the Chief, and it does come into play with the

Planning and Zoning once in a while on applications, such as Firestone, or other things, but it appears here that everything is under control with the Police Department and they are doing a wonderful job with trying to control things, and you are absolutely right, the noise ordinance is under the Council control. You are absolutely correct about that. Nobody was intending to make any changes to the noise ordinance.

Commissioner Fox: Okay, thank you.

Chairman Pane: Are there any other questions on the noise ordinance? Is the Zoning Enforcement Officer ready now? James?

James Krupienski: He hasn't contacted me, and I don't see him on the attendees side either.

VII. PUBLIC HEARING:

- A. Petition 10-20: Zoning Text Amendment (Sec. 3.11.8; 3.16.1; 3.17.8; and 9.2.) Regarding Brewery and Brew Pubs. Town Plan and Zoning Commission, Applicant, Continued from June 24, 2020.

Chairman Pane: Could you fill us in with a report for the Commission as to where we stand and I know, I don't know if Anthony is on.....

Craig Minor: He is calling James now.

James Krupienski: I do have him on the attendees, and I can un-mute him if you would like.

Chairman Pane: I just wanted to check to see if he was on. Craig, if you could give us an update.

Craig Minor: At the last meeting, one of the Commissioners asked if we could also add, make a provision for a winery, so I did some research, and it's on my report. Let me just read my report, "At the public hearing on June 24, 2020 it was suggested by a Commissioner that the regulations also allow "wineries." Wineries typically are operated on the same premises as a vineyard, but not necessarily – there can be a vineyard that grows grapes but does not process them into wine, and there can be a winery that processes grapes that were grown somewhere else. So while "vineyards" and "wineries" are related, they need to be treated separately.

"Farm" is defined in the Newington zoning regulations as follows:

FARM: A parcel of land containing not less than 5 acres, and used for raising crops and/or livestock and poultry, and including dairy farms, plant nurseries and green houses.

I think it is fair to say that a vineyard is a type of farm, so no change is needed here. In Newington, farms are allowed by right on at least five acres in any zone – commercial or residential. If somebody wants to operate a vineyard, and they have five acres, they could start a vineyard today. However, the processing of grapes into wine is an industrial activity that I don't think TPZ would want to be allowed by right in a residential zone. So, if a "winery" is something that TPZ thinks might be acceptable in a residential zone under the right circumstances, TPZ should add "winery" to the list of special permit activities allowed in

residential zones. In commercial zones “winery” could be by right or by special permit – whichever TPZ prefers. So that is my finding as to whether we should add winery to the regulations or not.

Chairman Pane: Okay, I'll open it up to the Commissioner comments, and I think Anthony, are you on the line?

James Krupinski: I have him un-muted, but for some reason he is not speaking.

Chairman Pane: Are there any other Commissioners that have any comments on this.

Commissioner Sobieski: Chairman Pane, I was under the assumption that we were going to have this go to a public hearing, and not through Zoom. Myself and Commissioner Fox had asked for this. This is a major change, and I know that we are saying that these Zoom meetings are public hearings, however I understand some of the neighbors may have sent letters in to Craig Minor about this, and they do want to have a public hearing.

Chairman Pane: This is a public hearing Commissioner, and if there are letters, if Craig has letters then he has to read them into the record when we get to the public comments. Craig, do you have letters coming in?

Craig Minor: I have an e-mail that I received this afternoon that I will read.

Chairman Pane: All right, thank you. Are there any comments from the Commissioners?

Commissioner Gill: The only cautionary I see is, did we put a winery into residential, what is to say that they aren't going to want a pub, restaurant, in the same place.

Chairman Pane: I don't think we are proposing to put it in a residential. I think Commissioner Claffey was proposing to have it in the business zones, and come down to the commercial and PD and BT Zones. None of these things are proposed in the residential zone, is that correct Craig?

Craig Minor: That was the point that I wanted to make, a vineyard, you can have a vineyard now in a residential zone but you wouldn't be able to process the wine as a winery. They couldn't have a winery in a residential zone, but if they wanted to grow them, and they owned five acres of land, then they have the right to do that.

Chairman Pane: Do all of the Commissioners understand that?

Commissioner Fox: Getting back to what Commissioner Sobieski said, I have to agree. This is a big change, and there were comments, at the last meeting from a Francis Avenue resident, and so I know, I'm hoping that we can agree to keep this public hearing open as long as we can, until we can have face to face meetings, even if it is during the pandemic and we have to just use the auditorium, spread out, and do something like that. Meetings have been done that way, and while we are doing these Zoom meetings, we aren't getting the public participation we would like, and the public that we do get would not have, they wouldn't be ready to come and speak their mind as they were going to.

Chairman Pane: Well, we're in a public hearing, this has been a public hearing, we have had this open for quite a few meetings. I think Craig, how many meetings have this been open that we have been talking about this?

Craig Minor: This is the third, as a public hearing.

Chairman Pane: The third public hearing, and now all of a sudden you want me not to have the public hearing any more until we can have it in person.

Commissioner Fox: This is not all of a sudden Domenic, we've been going through these things as far as setting up, getting the text amendments done, the wording itself done, but when it came to having a public hearing at this meeting, having gotten a draft suggested motion, that's what set my mind in motion, and I think Commissioner Sobieski would agree with me, I think we should have a face to face meeting before we close this.

Chairman Pane: I disagree with you. I appreciate your feelings, but we have had this open, this has been a public hearing for the last three meetings, and we continued it, so we have had plenty of opportunity for people to comment, and this is something that I think is good for the Town. It offers some flexibility for some new types of businesses and if you, and if I'm not mistaken, it's all by special exception, so they would have to come in again, and you would have to approve it. Am I correct Craig?

Craig Minor: Yes.

Chairman Pane: Okay. Are there any other Commissioners that would like to.....

Commissioner Sobieski: Like I said, I still think we could put it in temporarily, but we should have a face to face meeting. I don't know, I don't know if you have one letter or several letters, so, I just think people are concerned about this. That's all I'm saying.

Commissioner Gill: We've been at this now for I think four meetings now all total, and we've had three with public participation and there hasn't been any public that has come forward, right? We have one e-mail right now, that's going to be read, and see what happens from there.

Commissioner Pane: I think you are right Commissioner Gill, and I hate to prejudge anything during a public hearing. I would like to hear if there are any e-mails or other things, nobody has closed the public hearing yet, we are just going through the process.

Commissioner Lenares: I understand what Commissioner Fox and Commissioner Sobieski would like to do in terms of leaving it open. I don't agree, this has been here for three meetings, of course I would love to hear from the people, but to be honest, we don't know if the people are going to come out in droves, or if there is going to be one e-mail, and we don't actually know if they are going to come out and speak for it or against it. To me, to be honest, I always want to listen to the public and their concerns, but this is not something where I agree a brewery should go into, or disagree or in favor of one or a fan of one, but by the regulations, allow it to go into the zones that we are proposing that they go into, or be allowed to go into, if we had such an application. If it is any comfort to Commissioner Fox or Commissioner Sobieski that none of this could be approved, per se, if one does come before us without a special exception,

without having another crack at it then, and I think their utmost concern is to protect the residents of the town which I think all of us do, and want to do, so we have had this for three meetings, there is nothing pressing, whether it should go away or stay, but how long can we constantly drag it out with the unknown of when are we going to get in front of a table in front of the public. The people have had a chance, and I would venture to say that most of them don't even know these things are going on, I can understand their sentiments about that, but to wait on this, to table it, to keep it open, I would be against that. The language that Craig drew up, in terms of descriptions, but I can't stress enough, in terms of the special exception that they have to come before the Commission, explain everything, residents included. I would be in favor of moving forward with this, I don't think it's a pressing issue, one way or the other, I think it puts the proposed regulations in the correct areas of the town, so that would be my thought.

Commissioner Haggerty: I would add, I don't think that the public input on our decision making should ever be minimized, having said that, this is our third meeting and who knows when we are going to get back into the conference room and if we're not going to conduct business or make decisions unless we're face to face then why are we having meetings.

Chairman Pane: Great point Commissioner Haggerty.

Commissioner Woods: I'm in favor of adding the wineries by special permit, not to residential zones but to the other zones that we are looking to do this, and in light of the Town Manager's letter to us I think that this is something that he is looking for us to do. There is no need to hold this up, there isn't a big outcry, we did hear from one or two people that had some concerns and if we do get an application in those areas we can address those concerns at that point, but we don't even have any applications in front of us yet. Again, I would like to get this moving forward so that we can get our shingle back up that Newington is open and we're willing to do business in light of Covid, and we'll do it on Zoom, we'll do it however we will have to. I don't think any time in the near future we will have a public meeting that will allow 25, 30,40,50 people. I think that is way off. I don't see any reason to delay this.

Andrew Armstrong: Can you hear me? Sorry about the technical difficulties.

Chairman Pane: Andrew, we're in the middle of the public hearing and what we did was, we postponed the Zoning Enforcement to the next meeting. So we will talk with you the next meeting.

Andrew Armstrong: Sounds good, thank you.

Chairman Pane: Commissioner Claffey? I think everyone has brought up good points. This is a public hearing, and we are going to continue with the hearing. We do have a letter here where the Town Planner wants us to try to greet opportunities, and to be more business friendly, and to review our regulations and make things easier for businesses for the Town, so we can grow the Grand List. I think this gives an opportunity for some small businesses that are thinking out of the box, that might merge that along with cigar smoking, or something like that, who knows, and it could be a nice positive thing for some of our business areas. I think we should continue with talking about this.

Commissioner Fox: Just one more comment. I agree that it is a good text amendment, they are all good, I agree with no wineries in a residential zone, and I bow to the majority. It's what we have to do, you're

right. I think we're not getting the public participation mainly because we don't have face to face, but Commissioner Woods and the rest are right, let's get this done.

Chairman Pane: And the public will have a say if something comes in. Let's open it up to the public right now since we have been talking. Is there anyone from the public, James that would like to speak and maybe Craig would read the e-mail that he received.

James Krupienski: At this point, we have four people on, if they would like to speak, they can use the raise the hand in the window, or star 9 on their telephones.

Chairman Pane: Anyone like to speak in favor of this application? Please raise your hand, or dial in. Let's make it easy, anybody would like to speak at all, either in favor or against this? Craig, while we are waiting for the public in case they want to call in, could you read the e-mail that you received?

Craig Minor: This is from Margaret Banach, 145 Starr Avenue. "Due to the government restrictions on gathering, Town residents have not had the opportunity to gather and to learn what proposals have been occurring in town. I would like to suggest that the Commissioners contact newspapers, Newington Life, Hartford Courant, and New Britain reporters to inform them of the proposed zoning language. Please explain that this change would allow the possibility of someone to ask for a permit to open a brewery in any business area in town. I suggest the meeting and vote be postponed until the residents have more information and can participate in a normal way, other than Zoom. Residents are not all familiar with how to Zoom, or may not even have computers. Be careful to include the participation of all residents since this proposal has no urgency to be decided at this time. Thank you for your consideration."

Chairman Pane: Is there anyone James that would like to speak, from the public.

James Krupienski: Nobody so far, I'm going to put the participation info back up. Nobody at this time.

Chairman Pane: Thank you very much. I would recommend that we close the public hearing and move it to Old Business.

Commissioner Woods: So move.

Chairman Pane: If you could hold off for just a second Commissioner Woods. Craig, there was some question that Anthony wanted clarified. Do we have those things addressed in this?

Craig Minor: Right. I'll speak to that. I got an e-mail from Commissioner Claffey this afternoon, and he questioned why the, I'll call it the "name" of this amendment only lists the chapters that are being amended and not every section within the chapter, and my response was, that's the way we do it so that the name of an amendment doesn't get to be that long and confusing, but if the Commission is ready to approve it, in the motion to approve, every chapter, and there are six of them, that we can make some changes to.

Chairman Pane: all right, I just wanted to make sure that we were all set on that?
Commissioner Woods, you were going to make a motion?

Commissioner Woods: I move that we close the public hearing and move it to Old Business for action. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion with six voting YEA.

- B. Petition 20-20: Zoning Text Amendment (Sec.6.2.1.E and 9.2) regarding digital menu board signs. The McDonald's Real Estate Company, Owner/Applicant; Chris Russo, 2507 Post Road, Southport CT, Contact.

Raymond Rizzio: My name is Raymond Rissio and my partner Chris Russo is here with me. We are present and ready to proceed when you are ready for our presentation.

Chairman Pane: If you would like, you could start with a small presentation, I think everyone understands what you are trying to do, but why don't you go over it quickly and then we will go to a Town Planner's report.

Raymond Rizzio: I have represented McDonald's for probably the last twenty five years. McDonald's is a one of the largest fast food restaurant business in the world, and they constantly seek to improve service, timeliness and safety for their customers. When we first started doing McDonald's work I think about 20 percent of their business was through the drive-through. You have an older McDonald's here, and as business proceeded, before Covid, it was basically up to 70 percent of the business, and then, that is what led to the evolution of the double drive throughs so things could continue to move quickly. In situations where you have, restaurants are built primarily for sit down and the effectiveness and the expediting of the cars is important so that cars in the drive through don't block parked cars and the whole thing. So now Covid hits, and we go to 100 percent drive through. McDonald's, as I said, always looking to improve on efficiencies, they have a whole McDonald's University out in Chicago that does nothing but study these drive throughs, it's incredible. They have a team of engineers who go through it. One of the things that they thought it was important to do is to upgrade the ability to educate the consumer while they are in line, make sure that the orders are the orders that the people, or the orders that are given to them at the delivery window, and then make sure that the people can make the decisions quickly so that normally, with McDonald's, from the time you order until you get your food, they strive to have you out in no longer than 180 seconds. So, in doing this, what happens is, we have been doing this throughout the State of Connecticut. We recently were approved in Simsbury, Greenwich, Stamford, we're going all throughout trying to upgrade these signs. In doing this, what we are trying to do is, believe it or not is a reduction in the amount of signage, we have what we call pre-order boards, and then we also have a digital menu board. Now what has happened, and we have encountered this not only in Newington, but in other towns, where we have done text amendments, that towns are typically strict on signage, and the idea, they don't want billboards all over, flying all over, and Newington especially, their sign ordinance is very all encompassing. It doesn't really distinguish between, this is almost more like a directional sign than a advertisement. They are not pointing to the road, they are pointing directly to the driver. They educate the driver so when they order they can move things along, different than if we were advertising McDonald's sales for people driving along on the Berlin Turnpike. These signs don't even face the Berlin Turnpike, they face, in effect, the rear of the property and the drivers that are in line, so the only people reading these signs are already on the property and it is an educational process. So right now you prohibit any kind of digital signs except for two exceptions. They are time and temperature signs, and then fuel product price signs are the two under Section 6.2.1.E are the only

exceptions. We're coming before you to add a third exception to this rule. That would be digital menu board signs. We would add a section that would say, menu board signs that are located at and utilized in connection with an accessory drive through lane. One digital menu board sign shall be permitted for each accessory drive, limited to fifty square feet and well as one digital pre-browse menu board sign permitted principal use on the premises limited to fifteen square feet.

What is important about that definition, and I think it's important for this Commission to know is that there are no ulterior motives, there isn't going to be any unforeseen consequences or misuse of the sign. It has to be in connection with an accessory drive through lane, a digital menu can only have one per drive through lane, it has to be used and utilized in connection with the drive through lane. So it's not like somebody can turn it around and use it to advertise a sale. So the only thing really, and we spent a lot of time with staff on that, making sure that it's designed only to certain customers, that it is not a distraction to passer bys on the road, and it's only in connection with the accessory use in a accessory drive through in those particular lanes.

We're very well versed in this and I'd be happy to answer any questions. It also reduces light pollution because when you don't have illuminated signs, what they typically had was signs that were lit from the ground and those believe it or not, throw off much more light than you would have from a inside mounted digital because it only lights within the board and basically the light is controlled so that we have shown that we have no light that emits off the premises.

Chairman Pane: Thank you very much for that report, I greatly appreciate it. I think this is something that appears to be very clean and what we are going to do is I'm going to get a report from the Town Planner and then I will open it up to the public. Craig?

Craig Minor: My report just summarized everything that Mr. Rizzio just said.

Chairman Pane: I wanted to give you an opportunity if there was anything else that you wanted to add.

Craig Minor: Nope, that's all.

Chairman Pane: Okay, I'll hold off on Commissioner's comments until after we hear from the public. Is there anyone from the public that would like to talk about this? Craig, we haven't received any e-mails or anything on this?

Craig Minor: That's correct.

Chairman Pane: Thank you. James, you will let me know if someone wants to speak?

James Krupienski: I have one individual on the panel, Mr. DeFrancisco.

Chris DeFrancisco: I wasn't aware of this until tonight, and it's also very reasonable to me as someone who has been stuck in drive throughs before, I think this would be very customer friendly if nothing else, so good luck with it.

Chairman Pane: If there is no other public comment, I'll go to Commissioner comments.

James Krupienski: I do have one individual who has raised their hand, so I will un-mute her.

Cara Santoro: Thank you, and I just wanted to say I sent an e-mail today to Craig Minor that didn't get read.....

James Krupienski: Please state your name and address for the record.

Cara Santoro, 93 Francis Avenue

Chairman Pane: We did read that in right Craig?

Craig Minor: No, that was a different person.

Cara Santoro: I think you read someone else's

Chairman Pane: Do you have that Craig, could you read it?

Craig Minor: I'm looking for it now.

Chairman Pane: Thank you. I'm sorry for that. Was that for this or.....

Cara Santoro: It was for the zoning change which is obviously a little late because you guys pushed it though anyway so it didn't seem to matter that people wanted to have a public hearing and get this postponed because as far as I can figure out you have already had it decided, and it didn't matter what the public said, so....

Chairman Pane: I'm not sure why Craig didn't read the e-mail, he was supposed to read the e-mail and he missed one, he read another one. That was a public hearing that was left open for three public hearings. All it does it give an opportunity for additional small businesses to come in, and you will have a bite of the apple if a business tries to open such a business.

Cara Santoro: So it's already been passed as long as they get a permit which we know is going to happen, so.....

Chairman Pane: No, it's not a done deal ma'm. If somebody is interested, if we approve that, and somebody is interested in running a business, and opening up a small brewery, they have to come in and pass the zoning regulations for that use. It would be a public hearing and you will have an opportunity to discuss that at the time, okay?

Cara Santoro: Right, but the issue was, people wanted it held off until the public was really aware of this and it for some reason it never got postponed until the Covid stuff was over and we can meet with people in the auditorium.

Chairman Pane: I'm sorry, but that has already gone past, and I thank you for your comments and I'm going to ask Craig Minor to read that e-mail into our minutes as soon as we come back to that. Thank you. Is there anyone else from the public who would like to talk about the Petition 20-20, the menu board? If there is no other public, Commissioners? Are there any other comments? I think this is something that we should move to Old Business and act on tonight. I think this is really going to improve

the efficiency, I don't see any drawbacks being a detriment to the residential zone or the Berlin Turnpike. I know that the changes that they recently made at McDonald's, with the drive through, originally I was a little skeptical, but they have really improved the traffic going through there, I have noticed a difference. I have noticed where they have their windows for pick-up, and I'm sure all the drive through windows have picked up and this will help a lot of other businesses besides McDonald's.

Commissioner Fox: I'm sorry, I was still muted. Quickly, I have no problem with this application. If in the future we can look forward to more drive through restaurants taking advantage of this. As long as it does not interfere with nearby residents and does not inconvenience them, I agree.

Chairman Pane: Thank you Commissioner Fox. Any other Commissioners?

Commissioner Sobieski: I think it's a good idea as long as the residents are not bothered by the lighting.

Chairman Pane: Thank you. Any other comments? I would ask a Commissioner to close this public hearing and move it to Old Business for action.

Commissioner Sobieski moved to close Petition 20-20 and move it to Old Business for action. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YEA.

- C. Petition 23-20: Special Permit (Sec. 3.17.2: Children's Theatre Organization) at 136 Day Street, 136 Day Street, LLC, Owner, Newington Children's Theatre Company, applicant, Chris DeFrancisco, 255 Beacon Street, Newington CT. Contact.

Chairman Pane: The applicant can take the floor right now, how about we go to the Town Planner and have a small report first. Craig?

Craig Minor: As everyone probably knows, the Newington Children's Theatre has been on Mountain Road for several decades and it is in the Industrial Zone, and they would like to move to Day Street, so I have been talking about this with the applicants for quite a while to make sure that their activity, as they hope to grow it, in the near future, that there will be parking for the final product. I'm pleased to say, in my report yes, each of the three phases that they talked about, there will be sufficient parking for each of them. I do want to discuss those phases a little bit, either after the applicant makes his presentation or now, whatever the Chairman would prefer.

Chairman Pane: Go ahead if you want.

Craig Minor: Phase one is just pretty much office space and there is enough designated painted parking spaces in front of the building for phase one. Phase two however involves some additional rooms and there is enough room, parking space in the back of the building but those parking spaces are not striped. It's just a parking lot, so if approved, I would recommend that a condition be that parking spaces be painted in the back. Phase three involves a theatre and as the applicant stated in their narrative as much as a theatre will draw a lot of people and require a lot of parking, there won't be anything else going on in the building at that time. The landlord has agreed, and it's in their lease that for an evening event, as long as the Children's Theatre gives the landlord notice, there will be sufficient parking available elsewhere on

the site, and there is enough parking on the whole site for their third use, for the theatre in back, so I don't see any problems with this application.

Chairman Pane: Okay, thank you. The applicant?

Chris DeFrancisco: Thank you, thank you Craig, thank you to all of the Commissioners for considering this. A lot of what I have to say is in Craig's report but I just wanted to give a little background. I'm the President of the Board of Directors of the Newington Children's Theatre Company so that is why you are hearing from me. The Children's Theatre has been a part of town since 1963 so we're in our fifty-seventh season and we've been on North Mountain Road for the last sixteen years. It became apparent several years ago that we were just outgrowing the space, so we have been trying for several years now to find another location, really hoping to stay in town seeing that we have such roots in this community. We were very fortunate to come across the property owner on Day Street who, I think if you look at our lease, history will show that she was more than reasonable in trying to do whatever she could to make this work for us.

The phases, to just quickly go over what the phases are, we're eventually going to have 11,000 square feet of space there. We are going to start off with 5,000 and then hopefully in the next year or two we will expand to another 3,000 and just a point of clarification, phase two involves what we refer to as a "black box" theatre, it's a small intimate theatre setting, similar to what we have on North Mountain road now. We expect that will hold about 100 people and it will have a stage that we will permanently use for smaller shows and for rehearsals. Craig, your report indicates that the seating is not permanent, the seating will be permanent, it's wouldn't be temporary seating, but according to my map, we would need a net increase of about fifteen spaces to accommodate phase two, but it wouldn't affect the final number where the town is requiring sixty-three spaces because as Craig had said, once we open the large theatre in phase three, and we have the entire 11,000 square feet, our events, if we have an event, it will be in the big theatre and it won't be in the black box. So when it is all said and done, we are looking at a maximum still of the 63 spaces according to the regulations, at least as I understand them, and if you have questions, I can explain my logic behind that. These phases of expansion are going to happen gradually as we are positioned to be able to raise the money to be able to do it, and up until the pandemic, we were on a really good pace to be able to do that, but things will probably be slowed a little bit as far as our ability to grow into the space and how long it takes for us to do that, just because of the financial challenges of not being able to offer regular in person programming, which is a primary revenue source and then also to be able to sell tickets to our shows, we don't have shows, we can't sell tickets, so there is no box office revenue coming in. So it will probably take longer than we had hoped to eventually grow into all of this space, but we have a really accommodating and reasonable landlord, making it possible for us to stay in Newington and reach our long term goals, so we are very thankful for that. She has really made it clear that she intends to do whatever she can do to help us achieve our goals and that includes making parking available. Just for the benefit of those who don't know, when we would have a large show, when the day comes where we have our larger auditorium where we are having 250 people, up to that many coming to a show, those would be on evenings and weekends. Historically the shows are Friday nights, and Saturday nights and then matinees on the weekend. Those would be the only times where we would have that large a demand for parking. When we do have day time programming during the summer, the kids are dropped off, some of the staff will be parking there, but the only real true demand for parking at the highest end would be on those weekends when we have our larger shows. Right now we have been doing our larger shows at the John Wallace Middle School, the theatre has more capacity than we have at North Mountain Road because we outgrew our space. We will continue to look

for partners in the community to handle our larger shows up until we get to the point where we can accommodate the larger shows in our own space when we are able to build that out. I think that is the extent of what I wanted to make sure I let you know, if there are additional renderings, plans, drawings that we can furnish, then we would be happy to do that. One last thing I will say is that I was in touch with the landlord today and she indicated, she had indicated previously when we were negotiating our lease that she intends to have the entire parking area stripped, and she told me tonight that she will have that done by September 15th, which would be well in advance of when we would be able to start phase two.

Chairman Pane: Okay, very good, thank you.

Chris DeFrancisco: Thank you.

Chairman Pane: We'll go to the public. Is there anybody from the public that would like to speak, either in favor or against this application.

James Krupinski: We do have an attendee who has raised their hand.

Chairman Pane: If you would state your name and address for the record?

James Krupinski: She must be having a problem with her microphone.

Kathy Rossini LaPierre, 23 Saddle Hill Circle, Newington: I am very much in favor of the theatre moving to their new location.

Chairman Pane: Very good, thank you very much. Appreciate your comment. Is there anything else you would like to add?

Kathy LaPierr: Nope, just a vote for.

Chairman Pane: Thank you very much. Is there anybody else from the public that would like to speak, and if there isn't, I would ask if there are any Commissioners who have any comments.

Commissioner Lenares: As I read over the comments from staff, Craig and looked over the specifics of phase one, phase two, phase three, with everything here, I would definitely be for this. I have gone to some of these productions since my niece, years and years ago was involved in this theatre group. These people are passionate. They give the children and youth of this town an outlet to go to learn. Some have gone on, I have known other friend's kids, to college to get degrees that started in this exact children's theatre. This is a great group and will be advantageous for us to welcome them to their new spot, and to encourage them to stay in Newington, to try to keep them here. I think it's a wonderful, wonderful, thing for the children of our community. Thank you.

Chairman Pane: Thank you Commissioner Lenares, I agree with you. Any other Commissioners have any comments?

Commissioner Fox: I definitely have to agree with Commissioner Lenares and as a matter of fact am going to go one better, I remember my daughter taking part in the activities of the children's theatre and

fairly recently my granddaughter. I think she was in two plays, one of them Aladdin, but they were terrific, well organized, and we had a lot of fun watching them and seeing what goes on. I heartily approve of this application.

Commissioner Sobieski: I also agree with Commissioners Lenares and Fox, it think it's a great opportunity and a great place for kids. Thank you.

Chairman Pane: Thank you. Any other Commissioners?

I suggest someone make a motion to close Petition 23-20 and move it to Old Business.

Commissioner Fox moved to close Petition 23-20 and move it to Old Business and seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of June 24, 2020. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

- A. Petition 24-20: Zoning Text Amendment (Sec. 3.22.1.C) regarding commercial vehicles in Residential zones. Town Plan and Zoning Commission, Applicant.

Chairman Pane: Craig, If you could give us a report on this?

Craig Minor: As some of the Commissioners who have been around for a while may recall a number of years ago we amended the commercial vehicle regulation quite dramatically, and in fact, it got to the point where I think it has become unworkable. I propose a pretty drastic reduction in the verbiage, made it much simpler. Didn't change anything about what was allowed and not allowed, not that I was aware of, but just made it easier and clearer for everybody. That's all I have unless there are any questions.

Chairman Pane: We can open this up to the Commissioners. What I would like to do is leave this on the agenda for a few meetings so we can go through it, make sure that we have everything, we might want to loosen it up a little bit more. I'll open it up to the Commissioners if they have any comments, and remember, we will leave this open for a couple of meetings so we can talk about it. Any Commissioners have any questions?

Commissioner Fox: Through the Chair, Mr. Planner, I think you did a good job, I have only one question. Under 3 b, no problem with the buses, semi-trailers, tractor trailers, the dump trucks, are you proposing, should you or would you propose a limit, I mean, dump trucks range from one ton pickup with a dump body on it, to a tri-axles. Are you saying the smaller one ton dump trucks, or let's say a three quarter ton pick up truck with a dump body on it would be prohibited?

Chairman Pane: Commissioner Fox, that is one of the things that I was most concerned about too because I know that there are a lot of smaller dump trucks from landscapers or other contractors that

sometimes they have to take home, so I think this will be something that we can iron out, but I'll turn it over to Craig.

Craig Minor: What we can do is, currently and I don't have it in front of me, but currently we do allow I think maybe it is a second commercial vehicle by special permit, so maybe what we could do, if the Commission wants to, is to perhaps allow dump trucks by special permit, and then, as you all know, the Commission would have the opportunity to approve or deny based on the merits of a particular request.

Commissioner Sobieski: I have a question. Maybe your recollection is a little better than mine, but didn't we cap this at a five ton (inaudible) truck, I believe that is what we said.

Chairman Pane: I think the biggest concern is that sometimes, we're middle class here and we have a lot of workers here and if somebody has, for instance, if somebody works for H.O.Penn and they are on call, and they have to take their truck home, that's a heavier truck with tools and stuff like that, and I think if somebody is required to take their truck home, and as long as it's not a tri-axle or something, we should try to accommodate them a little bit. I'd like to hear what other Commissioners think, but I think that we have some instances where people are required to take their vehicle home, from work, and that would be my biggest concern. I would hate to hurt somebody's livelihood because of the regulation. Any Commissioners have a comment?

Commissioner Fox: I agree, I don't see any reason why somebody wouldn't be able to take a truck home overnight, maybe get an early start on the next day's trip to the site, and as you said, as long as it's not a, we're not talking about tri-axes. Something that comes to mind, and I'd like to get opinions regarding, when you talk about wreckers, and flatbeds, I know flatbed drivers who work for some of the auto body shops in town, they are on call twenty three and a half hours a day or whatever, so they will take their trucks home. What are your thoughts on that, Craig, or anybody else?

Craig Minor: I don't have an opinion on that?

Commissioner Gill: Two items, as far as vehicles coming home, sometimes it's not every single night, it might be a rotation, and to have a special permit, that would be cumbersome I think for the people to work through. The other item is the backup alarms, that seems to be, there is a lot of equipment that have backup alarms on them and I would venture to say, that could end up into a noise complaint. You have problems with somebody utilizing it, and it's disrupting the neighborhood, then maybe we could address that as a noise complaint.

Chairman Pane: A lot of vehicles have to have that backup, and it's a safety thing, an OSHA thing, so I'd hate to have something omitted just because of a backup alarm.

Craig Minor: Let me pull up the existing regulation.

James Krupinski: Craig, I can actually tell you, I have it pulled up on the screen.

Commissioner Sobieski: If I remember correctly, the original mess started with a backup alarm over on Sunnyside.

Chairman Pane: So you are basically saying any vehicle with a backup alarm is not allowed, Craig?

Craig Minor: No, I'm not, well let me see what the existing regulation says.

Commissioner Sobieski: Do you remember that Sunnyside issue?

Chairman Pane: Yes, I do. I don't recall all of the details, but I do recall it. Occasionally the backup alarm becomes a problem because, but.....

Commissioner Sobieski: That's the reason we had to modify it because the guy was working third shift if I'm not mistaken, and he was going in at some odd ball hour and coming in at two, three o'clock, four o'clock in the morning and was backing up the vehicle and the alarm was going off. I think that is what it was.

Chairman Pane: Can you find it Craig?

Craig Minor: No, but the current definition of commercial vehicle includes any vehicle that is equipped with a backup alarm, and therefore by definition a commercial vehicle. The question is, does the Commission want to allow something that has a backup alarm to be parked in a residential zone on a regular basis?

Chairman Pane: There could be small vehicles that have backup alarms, I mean, I know that there is a passenger, there are certain things that do have backup alarms.

Commissioner Fox: Mini-vans and small cargo vans, they all have backup alarms, and as a matter of fact, some of the larger passenger vehicles have backup alarms now.

Chairman Pane: It's an OSHA safety thing but this is something that the Commission can talk about at our next meeting too. Are there any other comments from the Commissioners on any other aspects of this? The objective was to try to loosen it up a little bit so that we were as tough on these small businesses, but we'll leave this open for our next meeting. We'll leave it on the agenda. Craig, do you have anything else you want to add?

Craig Minor: No.

Chairman Pane: the next thing on the agenda is the Amy Berube application. Craig, do you want to read that?

Craig Minor: I'm sorry, I don't have her e-mail in front of me, but it was a conversational e-mail, she just said, it's that time of year, she would like to have her permit renewed, and that is pretty much all that it said.

Chairman Pane: Okay. This is going to be Petition what now?

Craig Minor: Petition 25-20.

Chairman Pane: Okay, Petition 25-20 Renewal of Special Permit 34-17 (Sec. 3.4.4 Home Business) at 72 Indian Hill Road, Amy Berube, owner and applicant.

Craig, did you check with Andrew to see if there had been any complaints, if you could advise the Commissioners about that.

Craig Minor: Yes, I did speak to Andrew today and he told me that he had not heard any complaints, and I went out the other day, knocked on some doors, talked to some neighbors, and none of them had any complaints.

James Krupienski: Mr. Armstrong is still on the call if you would like to hear from him.

Andrew Armstrong: I have not had any complaints at all for anything for that business.

Chairman Pane: That's good to hear. Thank you very much Andrew. You haven't received any complaints from anything else lately, anything major?

Andrew Armstrong: Nothing comes to mind, no.

Chairman Pane: Later on, on the agenda we have the chicken topic if you are going to be still on, if you could comment later in the meeting I'd appreciate it.

Andrew Armstrong: That sounds good.

Chairman Pane: Thank you Andrew. So, Commissioners, do you have any comments. This is, this could be extended for one year, two years or three years. If there is no objection, there have been no complaints, from any of the neighbors, I would recommend that we move this to Old Business for action.

Commissioner Sobieski moved to move Petition 25-20 to Old Business for approval for three years. The motion was seconded by Commissioner Fox.

Commissioner Gill: If there has been no problem there, why have this on a yearly thing?

Chairman Pane: Correct. Craig, if you could go over with the Commissioners, there is some protection built into this, correct?

Craig Minor: Yes, as originally approved there were four conditions and I'm recommending that those same four conditions be attached to it tonight.

Chairman Pane: Thank you.

The vote was unanimously in favor of the motion, with six voting YEA.

X. **OLD BUSINESS**

Petition 25-20

Renewal of Special Permit 34-17 (Sec. 3.4.4 Home Business)

172 Indian Hill Road

Amy Berube Owner/Applicant

I move to approve with conditions Petition 25-20 Renewal of Special Permit 34-17 (Sec. 3.3.4 Home Business) at 172 Indian Hill Road; Amy Berube Owner/Applicant. This approval shall be for three years and eligible for renewal in accordance with Sec. 3.4.4.E.

Conditions:

1. Same conditions as presented in the motion of stipulation of judgment for Docket #HHDCV186094643S Sub 1A.

The maximum number of dogs allowed pursuant to this home occupation permit is five, which number does not include or limit in any way the number of dogs owned by Ms. Berube.

Overnight stays will be limited to a maximum of two dogs.

The sound of client's dogs barking is not allowed to the extent that it becomes a nuisance and strict protocols shall be used to ensure that barking does not become a nuisance to neighbors.

Existing fence around the outdoor area used by the client's dogs shall be maintained or replaced in a manner equally or more of a buffer between neighboring properties.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Pane: I think this was good, she has not had any complaints over there, and I'm sure she will continue to do a good job.

Petition 23-20

Special Permit Sec. 3.17.7

Childrens Theatre Organization

136 Day Street

136 Day Street LLC Owner; Newington Children's Theatre, Applicant

Chris DeFrancisco, 255 Beacon Street Newington, CT Contact.

Commissioner Fox moved to approve with conditions Petition 23-20 Special Permit Sec. 3.17.7 Children's Theatre Organization 136 Day Street 136 Day Street LLC Owner; Newington Children's Theatre, Applicant Chris DeFrancisco, 255 Beacon Street Newington, CT Contact.

Conditions:

None

Chairman Pane: We have a motion made by Commissioner Fox, seconded by Commissioner Sobieski. We do have a couple of conditions that we should probably put on there. I heard from the Town Planner

and I think one is a copy of the lease for proof of parking, and then also stripping parking spaces in the rear of the building, is that correct?

Craig Minor: Yes, that's correct Mr. Chairman, both of those should be conditions.

Chairman Pane: Does the motioner allow that friendly amendment for the conditions?

Commissioner Fox: Yes, I will amend the motion to include the two conditions that were mentioned by Town Planner Minor.

Chairman Pane: And approved by the seconder?

Commissioner Sobieski: I approve, yes.

Chairman Pane: Thank you. Are there any Commissioners who have any questions? The vote was unanimously in favor of the motion, with six voting YEA.

Petition 20-20

Zoning Text Amendment (Sec. 6.2.1.E and 9.2)

Digital menu Board Signs

McDonald's Real Estate Company, Owner/Applicant

Chris Russo, 2507 Post Road, Southport, CT, contact

Commissioner Fox moved to approve effective upon publication Petition 20-20 Zoning Text Amendment (Sec. 6.2.1.E and 9.2) regarding Digital menu Board Signs McDonald's Real Estate Company, Owner/Applicant Chris Russo, 2507 Post Road, Southport, CT, Contact.

Findings:

1. The Zoning Regulations do not totally address digital menu board which have become very common in other municipalities.
2. Digital menu boards expedite the ordering process by allowing the customer to make his purchase decision prior to arriving at the ordering station.
3. This amendment is not inconsistent with the Plan of Conservation and Development.
4. This amendment has been referred to the Capital Regional Council of Governments and was deemed to present "no conflicts with regional plans and policies or the concerns of neighboring towns"

The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion, with six voting YEA.

Petition 10-20

Zoning Text Amendment (Sec. 3.11.8, 3.16.1, 3.17.8, and 9.2

Breweries and Brew Pubs.

Town Planning and Zoning Applicant

Chairman Pane moved to approve, effective upon publication, Petition 10-20 Zoning Text Amendment (Sec. 3.11.8, 3.16.1, 3.17.8, and 9.2 Breweries and Brew Pubs. Town Planning and Zoning Applicant.

Findings:

1. The Zoning Regulations do not currently address or permit breweries or brew pub restaurants which have become very common in other municipalities.
2. The amendment is consistent with the business development general goals on page 35 of the Plan of Conservation and Development encouraging development of a wide range of retail business services in industrial sector and land use which will strengthen and broaden Newington's tax base and employment opportunities without adversely affecting residential areas.
3. The amendment has been referred to the Capital Region Council of Governments and was deemed to present no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The motion was seconded by Commissioner Fox.

Commissioner Woods: Mr. Chairman, are we going to add in the wineries to this?

Chairman Pane: I was just going to ask the Town Planner where that was and maybe he can fill us in?

Craig Minor: I didn't add it because we wanted to have some conversation about it. What I heard was that the Commission seemed like they were open with allowing wineries in all of the Business zones, just as you're about to allow brew pubs in all business zones. I'm not sure if you want to do it as of right, or by special permit.

Chairman Pane: By Special Permit, exactly what we are doing with the brew pubs, and I thought we were going to add distilleries too.

Craig Minor: Distilleries is in the (inaudible) that you have, but if you want me to add wineries, let's see, trying to think procedurally how to do that.

Chairman Pane: How about if I withdraw this right now and we add it for our next meeting, or can you make the correction now?

Craig Minor: Let me think about it. Can we table this for now and let me look at it, and then go onto the next item.

Chairman Pane: I'm going to withdraw that motion right now, and I would ask the seconder to withdraw.

Commissioner Fox: I withdraw my second.

Chairman Pane: I'll let the Town Planner think about it, do we have any questions from the Commissioners? Why don't we, are all of the Commissioners in favor of adding the wineries to have this as an option, as a small business. Someone might want to rent a place that is the size of the 5 and Dime and maybe they want to create a little winery in an atmosphere like that, I don't see any problems with it. Any other Commissioners? Commissioner Woods, you are in favor of it, is that correct?

Commissioner Woods: That's correct. I'm in favor of it. I don't see anything different from the brew pub or the brewery or the distillery.

Chairman Pane: Thank you. Is everybody else in favor it?

Commissioner Fox: I have no problem.

Commissioner Havens: I'm all set.

Commissioners: All good.

Chairman Pane: Craig?

Craig Minor: In section 3.11 which is Special Permits allowed in the B Zone, 3.15 Special Permits allowed in the Business-Berlin Turnpike Zone, and 3.16, I'm sorry, 17, Special Permits allowed in the I zone, and if you didn't hear me mention PD that's because whatever is allowed in the B-BT zone is allowed in the PD Zone.

Chairman Pane: So do you need until the next meeting to straighten this out and get it correct and write a correct version of the suggested motion?

Craig Minor: No, with what was just said I think the record will show it was that it was your intent to modify those paragraphs, those sections also.

Chairman Pane: Okay, so I'll entertain a motion back in, can somebody move that motion, and move Petition 10-20 and get a second.

Commissioner Havens: So move.

Craig Minor: Mr. Chairman, I think one way to make it very clear, the Motion is to approve Petition 10-20 Zoning Text Amendments in Sections 3.11, 3.15, 3.16, 3.17, 6.6, and 92. So if we can do that as a friendly amendment to the motion, that would cover it for the winery.

Chairman Pane: Thank you. That is a friendly motion to the seconder, correct? Are there any comments from the Commissioners?

The vote was unanimously in favor of the motion, with six voting YEA.
I think this is good for the Town. Thank you very much.

X. TOWN PLANNER REPORT

Craig Minor: The first item in my report is the status of Deming Farm, as the Commission members know, the original developer defaulted on the project, so the proposed bond money was given to the Home Owners Association and they are in the process of having the road repaired. In fact, their contractor put in a Call Before you Dig, request yesterday so I think that they are scheduled to do that July 13th, so should be next week.

Next item, Outdoor Restaurant Seating, Since the last report, I was able to have the Subway on the Berlin Turnpike put some tables out in front, and I have not had any more since then.

The third item, I just wanted to bring the Commission up to date on where we are with the POCD because we haven't talked about that in a while, so this is just a recap. Your next meeting in July will be the public hearing on the POCD, so as of now, there will be nothing else on that agenda.

Performance Bonds, I've been going through the list of performance bonds, old ones, again, some of the Commissioners may recall we went through this back in '14 and '15 to try to clean out a bunch of them, and we got through a lot of them. There are still about a dozen within the last decade, but then another dozen that go all the way back to 1978. Of the ones within the last decade, I've been able to find what the status is with most of them. A number of them are things like, there's a home on Waverly Drive, back in 2006, when the home was built the contractor put the parking lot, or the driveway too close to the property line. As most of you know, driveways have to be five feet from the neighbor, but the contractor just put it in about two feet from the neighbor's property, and it was never resolved. So that is why we have been holding that \$2,000.00. So a lot of these bonds are that type of situation. I was just working on it today, what I will do tomorrow is send the Commissioners a spread sheet with the status, the ones that are about ten years old, and have the Commission look at it, and then I'll do some more research before your next meeting.

Chairman Pane: Okay, Commissioners comments or questions?

Commissioner Sobieski: What do we do with something that old, if the driveway is two feet from the property line, I mean, we're sitting on this money, either they should move that driveway where it is supposed to be or is it a moot point and should we return the money to the contractor?

Craig Minor: Right, and what I'll do is, I'll bring my file on that particular one. There's actually, it's a long story, and it's a good question. The bond was posted by the developer but the homeowner is the one left holding the bag with this zoning violation. In fact, he was cited by the ZEO a number of years ago and at that time the home owner said that he was going to try to buy some land from his neighbor, but apparently that never happened. Yes, it's a question, does the Commission just want to move on and get these things off the books? There is another one similar to that where the home was built and not everything that was supposed to be done got done, I'm not sure what the record is, and we're still holding \$2,000.00 of that person's money from about, well not that person any more because the homeowner went bankrupt and the property was taken over by the bank. So, I'm not even sure who we should give that money back to. I'll have a detailed report for you at the next meeting, with the details of all of these things that I am now just telling you about orally.

Commissioner Sobieski: The reason I'm asking is that some of these things may never get resolved and why should we sit on this money, it could stay on there forever.

Chairman Pane: That's why I brought it up, I was hoping to clear some of these up. As you can see, some of them are really far back, and it's almost a waste of time for Craig to look into some of the real, real old ones. If we don't find anything major in them, I think that some of these we should just return to whoever posted the bond, and if I'm not mistaken, when bonds are posted, they are posted and they have to receive interest too, don't they?

Craig Minor: I don't think that is the case in Newington. I don't think they get interest on these because I don't think we put the money in an interest bearing account. I can find out.

Chairman Pane: If you could find that out. Any other Commissioners, Commissioner Woods, what do you think we should do with some of these older ones?

Commissioner Woods: I think we should try to give the money back to the rightful owners of it. Some of these, I can't believe some of these go back to 1978. We're holding \$10,000.00 since 2003 on Target for a sycamore tree to be preserved. I think we need to clean this up.

Chairman Pane: I agree with you. Any other Commissioners?

Craig, maybe for our next meeting you could get as much detail as you can, but I think the detail would be on the newer ones that we have, where we do have some detail now. I think some of these older ones, we're just going to make a decision. If some of the people want to drive by some of them, but you know, look at Foxboro, I would assume that Foxboro would have to go to the Association. Is that correct Craig?

Craig Minor: I would agree.

Commissioner Woods: Same as Horizon Hills, that should go to the Association.

Chairman Pane: The parking lot, 27 East Cedar Street?

Craig Minor: That one I have not researched, so I don't know what the story is there.

Chairman Pane: Kimberly Development, I think that is a private development, right?

Craig Minor: That one I haven't done. Zag Machine, I tried to contact the owner a couple of years ago, and since then he has died, and the property has changed hands, and I'm not sure who to give the \$4200.00 to.

Chairman Pane: Some of these old ones, that can't be corrected, or they, you know, I think the ones from 2017, 2019, and 20, we have a handle on those. I think all these old ones, like 2009, LA Fitness, \$5,000.00.

Craig Minor: I contacted them back in 2014 but I never got a response from them.

Chairman Pane: I think the Commissioners will talk about these and at one point we'll just take some of these older ones, and if we have the record of who posted them, then we can check with our legal and find out if we can just send this money back to them if the Commission wants to. Why don't you check with the Town Attorney with some of the things that we should follow on these? Is that acceptable to all of the Commissioners?

Commissioners: Yes.

Commissioner Gill: If there is any way of getting this money that could go back into the Town. Maybe get it to whoever paid for some of the cement blocks and things that we did for the restaurants that was an expense that came from the Town?

Chairman Pane: The concrete blocks actually were donated by Tilcon. They were very generous and they donated the concrete blocks to the Town, and then our highway staff stepped up and did an excellent job moving those blocks around to the different businesses to keep these businesses and restaurants open. We do have an open balance of \$4,096.59 so it seems to me that we will never get it down to zero, we'll have some money in this, but then I would imagine that we would recommend to send it back to the general account, correct?

Craig Minor: I see, you are referring to the first line, open balance, \$4,096.59, I'll ask the Finance Department what that number is referring to.

Chairman Pane: Okay, and there could possibly be something that we just couldn't get a check out to someone possibly, and then I think if there is some money left after we do this extensive research on this, that money, anything old, more just an open balance, I would suspect that we would just turn it over to the Council and see what they want to do with it.

Anyone have any other questions on the performance bonds? I mean, I know that some of these contractors have to request them, but even the last one on Costello Road, that's, isn't that a lot of money to be holding for that contractor?

Craig Minor: Sure, \$66,000 is a lot of money, but if the Commission wants, when I come to the meeting next time, I can bring the breakdown of what led up to that large number.

Chairman Pane: Okay, and they probably have a lot of that completed, and maybe that should be inspected and try to get some of that money back to them. Then we have O'Reilly's, we just released that bond, so that is pending, and then we have the Starbucks one on Fenn Road. I know the owner hasn't come in, but there is no reason if there is, if that property gets inspected Craig, if there are no problems, and there is just cutting a check and sending it back to the property owner, the developer.

Craig Minor: So you want to initiate some of these, sure.

Chairman Pane: I know it's common that they normally request the release.....

Craig Minor: We can look into that.

Chairman Pane: Thank you very much. We'll try to have that possibly on the agenda in case we have some time at our next meeting, and then, I don't think there is anything else because we are going to have the POCD, right?

Craig Minor: Right, as I said, I'm trying to keep the agenda clear of anything other than the POCD.

Chairman Pane: Okay, but if there is something really small that can be taken care of we can always move it to the beginning of the meeting and take care of it and then and then go right into the POCD.

Craig Minor: Sure, we can talk about that.

We have, Andrew has been waiting to give his chicken report.

Chairman Pane: Thank you for reminding me. Andrew, give us your report on chickens.

Andrew Armstrong: All right. At the moment our town zoning regulations prohibit chickens on residential properties of less than five acres. For the past four years or so, the TPZ put the enforcement of this regulation on hold in order to reconsider the regulation. In the past month or so I have received a little bit of an uptick of complaints for chickens. It could be that it is due to Covid, and I will say that I haven't received complaints that are contentious, causing major disputes or anything like that. Most of the time it is just a neighbor asking, hey, my neighbor's chickens are kind of bothering me, is there anything we can do about it. Actually, in all of the time that I have been here, I've been able to resolve everything, just between the neighbors while everything is on hold, but the recommendation in my latest one, I really couldn't give the property owner that if he moved his coop it would still be okay, and I felt like I was walking kind of a fine line, being able to help and assure that we are following our regulations, so that is why I am recommending to TPZ that we consider adopting a regulation for chickens that is clear to the public and can easily be enforced.

On page 2 of the memo, I laid out information from a couple of towns nearby, as well as towns that are similar to Newington, not in size but in density. There are a couple of standards here from different towns, what the minimum acreage is, the maximum number of chickens, how they permit the chickens, and setback requirements.

Then on page 3 of the memo there is a recommendation that I have just kind of phased off of what I have researched, best recommendations with the State, what I found through my enforcement, in talking to other people. I realize that some people will have extreme opinions about this, there are a lot of chickens in town already, but I feel that this Commission will know what is good, and what works.

Chairman Pane: Thank you Andrew. I greatly appreciate you bringing this up, I think it was getting difficult for you, and we did promise to re-look at this. The only concern I have, and I ask you, is you have it as ten to fifteen feet from a property line. Do you think there is room with small lots in Newington where we could get a little bit more than that, and do you think we need more than that or not from the property line.

Andrew Armstrong: That is something that I should probably look into and bring to the next meeting if that is all right. Maybe do a diagram or something like that of a typical lot, what it would look like, maybe that would help everybody be able to make a decision. I think a lot of times people want to have their chickens not so much in the middle of their yard. Another option could be that we could require some type of landscape, fence, buffer if you think that would certainly stop a little bit of noise.

Chairman Pane: I'm just thinking maybe we could get a little more than 15 feet without putting it in their rear yards, but at least giving a little bit more protection for the residents that abut them. If you could look into it, and continue your research, so that we can create the best possible regulation. I would ask Craig, that we put this for scheduling at a later day after July 22nd, when we gather all the necessary information.

Andrew Armstrong: Chairman Pane, just to clarify, with you, were you looking for increased setbacks in the rear or the side, or.....

Chairman Pane: I think the rear, let's see, the rear is 10 to 15 feet from any property line, you have located within the rear portion of the property, 10 to 15 feet from any property. I'll open it up to the Commissioners to see if they agree to see if we should get a little more distance or not, and how they feel about the whole subject. Any other Commissioners?

Commissioner Fox: I have to agree with you Mr. Charman, try to get more than ten or fifteen feet, and I had a thought also, if we are going to require a certain amount of property, like 8,000 square feet, think about abutting property, as you said, the side of abutting property to try to make sure that the abutting properties are not getting much smaller.

Chairman Pane: Any other Commissioners have any comments on this?

Commissioner Sobieski: I agree with Commissioner Pane and Commissioner Fox, (inaudible)

Chairman Pane: Any other comments? I think Andrew really needs this addressed, because he is having problems with , difficult with these popping up, and one particular property, and he probably has a couple of them in limbo now, right Andrew?

Andrew Armstrong: They are not very serious, I just can't provide assurance to someone that yes, still becomes an issue for the neighbor.

Chairman Pane: The other thing is, health requirements and standards and rules. I notice some towns, they make, they also have in there that the coop has to be cleaned out weekly. If you have a chance Andrew, if you go through some of the other towns, and we can pick apart and try to create the best regulation possible, and maybe also look at the distance from the property line so that when we do have this on the agenda, after the 22nd, we'll have some additional information. I would appreciate it.

Andrew Armstrong: Thank you.

XI. COMMUNICATIONS

A. Letter from Town Manager Regarding Economic Development dated June 30, 2020

Chairman Pane: Do you want to go over this letter from the Town Manager? We have a letter from the Town Manager that he sent to all the Boards and Commissions, correct? Do the Commissioners have any comments?

Commissioner Woods: One, Mr. Chairman. I think that this Commission, although we are going to be patting ourselves on the back, I think we have done an excellent job in the last three years of expediting applications through our board as quickly as possible, taking into consideration all of the things that we need to consider and protecting, whether it be an abutting business or abutting residential property. Again, I think we are taking a new approach. I'm glad to see that, and we could probably do a little bit more, but I think we are on the right road.

Chairman Pane: Thank you Commissioner Woods, I agree with you. Any other Commissioners? I think we have been proactive, we've got the LID regulations coming up for approval.

Craig Minor: That will be at your first meeting in August.

Commissioner Woods: This is my third year on this Board, Commission, and when I first got on, I don't know if we ever passed an application at the first hearing, they were always pushed to the second or third, so the rule is typically we pass them on the first night, unless there is an outcry one way or the other.

Chairman Pane: I think it's important to do little things like that to help the small businesses the best that we can and I would encourage our Town Planner and Andrew and our staff that if there are any other things in our regulations that they think could be changed, so there is some flexibility to bend the rules. For instance, Commissioner Woods had a project where, it was a small project and they had some outside lighting I think, and in the regulations stated that you had to have an engineering drawing from a lighting company. Is that correct, Commissioner Woods?

Commissioner Woods: Yes.

Chairman Pane: So if we could change things like that, if there is a small project, and you don't need a professional engineer to draft a huge plan and cost extra money, then I think it will help all the small businesses and help our Grand List and we can become a town known for really having the businesses, concerns for the businesses.

Commissioner Fox: I think one of the biggest complaints that developers have had about this Commission was the length of time that it took to get something through. I have to admit, in the past few years, since Commissioner Woods has been on here, and me also, we've had some I think complicated applications, but still, but I think staff and the Commission here has been working hard to reduce the time. I think that is the key.

Chairman Pane: I think with approving the menu board for McDonald's restaurant, other restaurants can come in and request changes to their menu board.

Commissioner Gill: Now, with the action that we did today, now does that change our regulations, or.....

Chairman Pane: Yes. That changes our regulations and now if I'm not mistaken, any other Dunkin Donuts or any other restaurant that has a drive through in town, could come in and change their menu boards for efficiency if they want to. Is that correct, Craig?

Craig Minor: That's correct.

Commissioner Gill: That's the question I had, thank you.

Chairman Pane: Any other questions from the Commissioners?

Craig Minor: Mr. Chairman, I just want to bring the Commission's attention to my memo because I do mention, the most specific thing that I think the Commission should consider doing which would have a very dramatic effect on how quickly and in fact in any business zone in Newington, and that is the Special Permit process.

As I said in my memo, Special Permits are a problem for developers because there is the uncertainty of knowing whether their project will get approved or not, even if it is a good one. A lot of towns don't require Special Permits for some of the things that Newington does. So that is an area where you could have a significant impact on improving Newington's business friendliness by going through the regs and looking at all the things that require a Special Permit. My favorite example is a restaurant. I think I know why (inaudible) by Special Permit, but since I've been here, I don't think you have ever denied a restaurant. Accessory apartments are another one. You have a pretty good solid accessory apartment regulation, so once someone meets the requirements, why make them go through the public hearing process, which is expensive and a delay, so there are a lot of things in your regs that I think the Commission should reconsider requiring by Special Permit, and that is something the business community would very much appreciate.

Chairman Pane: Thank you very much Craig, those are excellent points and we should think about putting that on the agenda in the near future, to get Commissioner's comments on which ones we could allow, that we feel more comfortable with, and which ones could remain as Special Exceptions. Any Commissioners have any comments?

XII. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom "Raise Hand" function.)

Chairman Pane: Anyone James?

James Krupienski: You do have one, Mr. DeFrancisco.

Chris DeFrancisco: Gentlemen, on behalf of the Newington Children's Theatre, I want to thank you for your consideration of our Special Use Permit, and also to Craig, especially to you for helping guiding us through the process. So thank you Gentlemen, we serve more than 700 families a year on an average, regular year, which this one was not, and we're looking forward to be able to continue to do that here in Newington, so thank you.

Chairman Pane: Thank you Chris, and congratulations on your new move, and we wish you the best of luck.

Chris DeFrancisco: Thank you.

James Krupienski: You have one attendee wishing to speak, I'll un-mute them.

Dana Havens, 113 Stoddard Avenue: I'd like to put my two cents in about the chickens and say if you are going to keep it at 10 to 15 feet, that we also had a green barrier, because a fence is not enough to keep the stink away. That's it.

Chairman Pane: Okay, so you think that more than ten to fifteen feet is needed.

Dana Havens: You know, that really would depend on how the wind is blowing, that's why I'm thinking if you require a line of bushes or something.

Chairman Pane: There is also one town that requires them to clean the area once a week so that it doesn't pile up and I think that may make a difference too.

Dana Havens: I'm not really up on my livestock, I just know it blows over.

Chairman Pane: We will take that into consideration when we bring it up for discussion. Thank you very much for your comments.

Dana Havens: All right. Thank you.

Chairman Pane: Anyone else from the public?

James Krupinski: Nobody else at this time.

XIII. REMARKS BY COMMISSIONERS

None

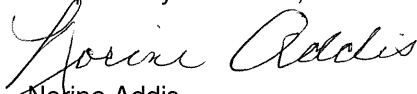
XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank all of the Commissioners, I think the whole board has done an excellent job lately. We've been pro-active, trying to make things easier, we've been, all of us have been very good trying to approve things and move things forward and get them approved the same night, trying to make things as easy as possible for the businesses. I think it's going to help in the long run, and I thank everyone for that.

XV. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commission Fox. The meeting was adjourned at 9:05.

Respectfully submitted,



Norine Addis,
Recording Secretary

